

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|------------|---|-----------|------------------------|
| Applicant  | : Bianca A. Thomae et al.                                     | Art Unit  | : 1652                 |
| Serial No. | : 10/755,018  | Examiner  | : Kagnev H. Gebreyesus |
| Filed      | : January 9, 2004   | Conf. No. | : 8952                 |
| Title      | : PHENYLETHANOLAMINE-N-METHYLTRANSFERASE SEQUENCE<br>VARIANTS |           |                        |

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Responsive to the action mailed June 13, 2006, Applicants elect the invention of Group I, drawn to nucleic acids comprising a *PNMT* nucleic acid sequence variant (original claims 1-12 and 16). In light of the Preliminary Amendment submitted herewith, elected Group I reads on claims 1, 2-12, and 38-41. Applicants further elect the invention of a variant at position 298 of SEQ ID NO:6. This election is made with traverse.

The refusal to examine more than one sequence is contrary to the permissive guidelines of MPEP § 803.04. The text of MPEP § 803.04 on its face states unequivocally that, “. . . normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.” (Emphasis added.) Thus, it is reasonable to assume that more than one *PNMT* sequence recited in the present claims would be susceptible to examination in the instant examination. For example, Applicants respectfully suggest that with respect to the amended claims, the Office could search two, five, or ten different nucleotide sequences, each containing 19 contiguous nucleotides from SEQ ID NO:1 or SEQ ID NO:6, with each sequence having one of the recited variant positions at position 10. Applicants submit that there would be no undue burden on the Office to conduct such a search. As such, restriction to a single variant *PNMT* nucleic acid sequence is not warranted. To require a restriction to a single variant sequence for examination purposes imposes greater hardship on Applicants than it would on the Office.

Applicants respectfully point out that this argument goes to the perceived burden of search and is not to be construed as an admission that claims reciting particular variant *PNMT* sequences are not patentably distinct from one another.

In light of the above, Applicants respectfully request examination of at least two of the sequences recited in claim 1 as amended (in particular, positions 298 and 340 of SEQ ID NO:1), preferably at least five of the sequences recited in claim 1 as amended (in particular, positions 298, 340, and 32 of SEQ ID NO:6, and positions 1509 and 1464 of SEQ ID NO:1), and more preferably ten of the sequences recited in claim 1 as amended (in particular, positions 298, 340, and 32 of SEQ ID NO:6, and positions 1509, 1464, 1303, 1301, 1102, 1895, and 3213 of SEQ ID NO:1).

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: July 13, 2006

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